



Arizona State Board of Pharmacy
1700 W. Washington, Suite 250
Phoenix, AZ 85007
Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MAY 12 AND 13, 2010
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – May 12, 2010

Vice President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: Vice President Zina Berry, Jim Foy, Joanne Galindo, Steve Haiber, Kyra Locnikar, Dennis McAllister, Dan Milovich, and Tom Van Hassel. The following board member was absent: Louanne Honeyestewa. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Sandra Sutcliffe, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 2 – Introduction of New Board Members

Vice President Berry introduced the two newly appointed Board Members. Jim Foy is the newly appointed Pharmacist Member. Kyra Locnikar is the newly appointed Public Member.

Mr. Wand stated that both newly appointed members have signed the oath of office.

AGENDA ITEM 3 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 5, Schedule A, Non-Resident Permit, for Express Scripts.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 9, Schedule D, Conference for Complaint #3719.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Schedule E, Complaint #3767, and Complaint #3774.

Due to having a “substantial interest” in the matter, Mr. Haiber recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 15, Pamela Ahlmer - Case #10-0030-PHR.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 6, Schedule B, Special Request for Venkateswara Malladi.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Schedule E, Complaint #3790.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 13, Samuel Takor - Case #10-0049-PHR.

Due to having a “substantial interest” in the matter, Dr. Berry recused herself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 10, Schedule E, Complaint # 3761, Complaint #3762, Complaint #3764, Complaint # 3766, Complaint #3778, and Complaint #3780.

AGENDA ITEM 4 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Milovich and seconded by Mr. Haiber**, the minutes of the Regular Meeting held on March 17 and 18, 2010 and the Special Telephonic Meeting held on May 3, 2010 were unanimously approved by the Board Members.

AGENDA ITEM 5– Permits and Licenses

Vice President Berry stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Florence Pharmacy & Medical Supply

Vice President Berry asked if a representative was present for Florence Pharmacy & Medical Supply. No one came forth.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to table the resident pharmacy application for Florence Pharmacy and Medical Supply.

J &J Arrowhead Pharmacy

Jacinta Hines, Owner and Pharmacist in Charge, was present to answer questions from

Board Members.

Vice President Berry opened the discussion by asking Ms. Hines if she was a first time Pharmacy owner. Ms. Hines replied yes.

Dr. Berry asked Ms. Hines to describe her business. Ms. Hines stated that the pharmacy would be an independent community pharmacy.

Dr. Berry asked Ms. Hines if there would be walk-in customers. Ms. Hines stated that her customers would be walk-in patients.

Dr. Berry asked Ms. Hines if she would be filling any prescriptions received over the internet. Ms. Hines replied no.

Mr. Milovich asked Ms. Hines if there had been a pharmacy at the site previously. Ms. Hines replied yes.

Mr. Milovich asked Ms. Hines if she was remodeling the space. Ms. Hines stated that she had to put in new counters because the counters were removed. Ms. Hines stated that the other fixtures were left at the site and she was able to use those fixtures.

Mr. Van Hassel asked Ms. Hines if she would be doing any compounding. Ms. Hines stated that she would be compounding medications for use in the doctor's office and would compound for patient specific prescriptions.

On motion by Mr. Milovich and seconded by Mr. Van Hassel, the Board unanimously approved the resident pharmacy application for J& J Arrowhead Pharmacy.

TCG Psychiatric Acute Care Pharmacy

Stephanie Earl, Pharmacy Director, was present to answer questions from Board Members.

Vice President Berry opened the discussion by asking Ms. Earl if she is requesting two deviations for the hospital pharmacy.

Ms. Earl stated that she is requesting deviations for the square footage of the pharmacy and hours of operation.

Dr. Berry asked Ms. Earl how many square feet are available for the pharmacy. Ms. Earl replied that they have 175 square feet that is currently used as the medication room.

Dr. Berry asked Ms. Earl if they are also requesting a deviation for the hours of operation of a hospital pharmacy.

Ms. Earl replied that they would like to operate the pharmacy as a ghost pharmacy. Ms. Earl stated that DHS (Arizona Department of Health Services) regulations state that a hospital must provide pharmaceutical services which they interpret as having a pharmacy within the hospital. Ms. Earl stated that they would be filling the hospital orders across the street at their pharmacy and transporting the prescriptions to the hospital. Ms. Earl

stated that the space in the hospital would serve as a medication room with the charge nurse and pharmacists having entry to the room.

Mr. Van Hassel asked how far away the filling pharmacy is from the hospital. Ms. Earl stated that the filling pharmacy is approximately 50 feet from the hospital.

Mr. Wand stated that DHS requires a pharmacy in every hospital. Mr. Wand stated that the Board could possibly work with DHS to revise the rules.

Mr. Haiber asked about the security of the room in the hospital. Ms. Earl stated that the medication room is on a locked ward. Ms. Earl stated that the nursing station and medication room are also behind locked doors.

Mr. Haiber asked who would be allowed in the room. Ms. Earl stated that the designated charge nurse and pharmacists would be allowed in the room.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously approved the resident pharmacy application for TGC Psychiatric Acute Care Pharmacy with the requested deviations for pharmacy area and hours of operation.

Arizona Pharmacy LLC

Harvey Morton, Pharmacist in Charge, was present to answer questions from Board Members.

Vice President Berry opened the discussion by asking Mr. Morton to describe the nature of his business. Mr. Morton stated that they would be opening a professional retail pharmacy in a medical complex.

Dr. Berry asked Mr. Morton if he would be doing any compounding. Mr. Morton replied that they would be doing minimal compounding.

Dr. Berry asked Mr. Morton if they planned on filling any internet prescriptions. Mr. Morton replied no.

Dr. Berry asked Mr. Morton if he was a Pharmacist in Charge at another pharmacy. Mr. Morton replied yes. Mr. Morton stated that he is only working at this pharmacy until they hire another pharmacist. Mr. Morton stated that he is helping the owner set up this pharmacy according to the regulations.

Dr. Berry asked if the owner is a non-pharmacist. Mr. Morton replied yes.

Mr. Van Hassel noted that they have an area marked for a compounding hood and asked Mr. Morton if they would be doing any sterile compounding. Mr. Morton stated that they have not purchased a hood yet because they are not sure if they are going to do any sterile compounding.

Mr. Van Hassel stated that it may be difficult to do sterile compounding in this area because the area is an open space.

On motion by Mr. Milovich and seconded by Mr. Haiber, the Board unanimously approved the resident pharmacy application for Arizona Pharmacy LLC.

Community Drugstore VII, LLC and Community Drugstore VIII, LLC

These two applications were withdrawn per the owner's request.

The Board has unanimously approved the following resident permits listed below after an appearance by the applicants. The applications are approved pending final inspection by a Board Compliance Officer,

RESIDENT (In Arizona)

Pharmacy	Location	Owner
J& J Arrowhead Pharmacy	18700 N. 64 th Dr. #100, Glendale, AZ 85308	Missnitas, LLC
TGC Psychiatric Acute Care Pharmacy	2187 N. Vickey St., Flagstaff, AZ 86004	Community Counseling Center
Arizona Pharmacy LLC	1991 W. Grand Ave., Surprise, AZ 85374	Arizona Pharmacy LLC

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously approved the resident applications listed below pending final inspection by a Board Compliance Officer.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Xpress Care Pharmacy #3	14415 W. McDowell Rd., Ste. D4, Goodyear, AZ 85395	Jackie Phan
Medical Arts Long Term Care Pharmacy	1580 N. Fiesta Blvd. #103, Gilbert, AZ 85233	T-Med Products
Fairmount Pharmacy	5068 N. Central, Phoenix, AZ 85012	Fairmont Pharmacy LLC

Non-Resident Permits

Vice President Berry stated that there is a legal concern with one application. Dr. Berry stated that the concern is with the application submitted by Wellcare Specialty Pharmacy, Inc.

Mr. Wand stated that WellCare Health Plans, Inc., the Company, has entered into a Deferred Prosecution Agreement with the U.S. Attorney's Office. The agreement binds the company and its subsidiaries, which should include Wellcare Specialty Pharmacy.

Ms. Campbell stated that the pharmacy is an indirect-wholly owned subsidiary of WellCare Health Plans, Inc. Ms. Campbell stated that the Board could offer the pharmacy a consent agreement which places WellCare Specialty Pharmacy on probation and requires that the Company comply with the terms of the Deferred Prosecution Agreement. Ms. Campbell stated that the Board could also approve the permit application without a consent agreement or the Board could deny the permit application.

On motion by Mr. Milovich and seconded by Mr. Haiber, the Board unanimously agreed to grant the licensure with the signing of a consent agreement placing the pharmacy on probation and requires that the company comply with the terms of the Deferred Prosecution Agreement. The terms of the consent agreement would match the terms of the Deferred Prosecution Agreement. The company must notify the Board if there is a finding of violation. The Board requested that the company return at the end of the probation period. The Board authorized the Executive Director to approve the signed consent agreement. A roll call vote was taken. (Ms. Galindo – aye, Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. Haiber – aye, Vice President Berry – aye).

Express Scripts

Mr. Haiber recused himself due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously approved the non – resident permit listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Express Scripts	14000 Riverport Dr., Maryland Heights, MO 63403	ESI Mail Pharmacy Services, Inc.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously approved the non – resident permits listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Peterson Foodtown, Inc.	1777 W. 12600 S., Riverton, UT 84065	Peterson Foodtown, Inc.
Medex Bio Care Pharmacy, LLC	8024 Stage Hills Blvd, Bartlett, TN 38133 (O)	Medex Biocare Pharmacy, LLC
Advance Isotopes of Nevada	1090 E. Desert Inn Rd., #102, Las Vegas, NV 89109	Advanced Isotopes of Nevada, LLC

(O) = Ownership Change

NON-RESIDENT (Out of State) (Continued)

Pharmacy	Location	Owner
AmEx Pharmacy	1515 Elizabeth St., J, Melbourne, FL 32901	Pacifico National, Inc.
University Specialty Pharmacy	3328 Garfield Ave., Commerce, CA 90040	University Specialty Pharmacy

Wholesaler Permits

Vice President Berry stated that there is one resident wholesale permit to approve. Dr. Berry stated that Global Pharmaceutical & Medical Supplies has requested a postponement until the next meeting.

On motion by Mr. Milovich and seconded by Mr. McAllister, the Board unanimously approved the wholesaler permit listed below.

WHOLESALER	LOCATION	OWNER
Discount Practice LLC (Full Service)	16033 N. 77 th St., Suite A1 Scottsdale, AZ 85260	Discount Practice LLC

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

Vice President Berry stated that all license requests and applications were in order.

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Dr. Foy, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments.

AGENDA ITEM 6 – Special Requests

#1 Lori Cutter

Lori Cutter appeared on her own behalf to request that the probation imposed on her pharmacist license per Board Order 05-0005-PHR be terminated. Lisa Yates and Jim Corrington with the PAPA program were also present.

Vice President Berry opened the discussion by asking Ms.Cutter why she was appearing in front of the Board.

Ms. Cutter stated that she has completed all the requirements of her consent agreement and would like to have her probation terminated.

Mr. Corrington stated that he is present to support Ms. Cutter’s request. He stated that Ms. Cutter participated in his counseling group and has met all the requirements of her consent agreement.

Mr. Milovich asked Ms. Cutter if she is currently working. Ms. Cutter stated that she is not currently working because she is still recovering from a car accident. Ms. Cutter stated that she may be returning to school and is not sure if she will be working in a pharmacy.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to approve the request by Ms. Cutter to terminate the probation of her pharmacist license imposed by Board Order 05-0005-PHR.

#2 Evan Davis

Evan Davis appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 03-0008-PHR be terminated. Lisa Yates and Jim Corrington with the PAPA program were also present.

Vice President Berry opened the discussion by asking Mr. Davis why he was appearing in front of the Board.

Mr. Davis stated that he has completed the requirements of his consent agreement and is requesting that the Board terminate his probation.

Mr. Corrington stated that Mr. Davis was a member of his PAPA counseling group. Mr. Corrington stated that he supports the request by Mr. Davis. Mr. Corrington stated that Mr. Davis was a positive group member.

Dr. Berry asked Mr. Davis if he is currently working. Mr. Davis stated that he works at Banner Good Samaritan Hospital.

Mr. Milovich asked Mr. Davis what he does to remain active in his recovery. Mr. Davis stated that he has learned that drug addiction is a disease and he must treat it as such on a daily basis. Mr. Davis stated that he continues to go to meetings and have a sponsor. Mr. Davis stated that he also is a sponsor to newcomers. Mr. Davis stated that he calls others that are still in recovery.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to approve the request by Mr. Davis to terminate the probation of his pharmacist license imposed by Board Order 03-0008-PHR.

#3 Tom Dayton

Tom Dayton appeared on his own behalf to request that the suspension imposed on his pharmacist license per Board Order 03-0008-PHR be terminated and probation be imposed. Lisa Yates with the PAPA program was also present.

Vice President Berry opened the discussion by asking Mr. Dayton why he was appearing in front of the Board.

Mr. Dayton stated that he would like the Board to terminate his suspension and place his license on probation.

Ms. Yates stated that Mr. Dayton has been compliant. Ms. Yates stated that Dr. Pickens has written a letter supporting Mr. Dayton's request.

Dr. Berry asked Mr. Dayton if he is ready to return to work. Mr. Dayton stated that he is ready to return to work. Mr. Dayton stated that he goes to additional meetings and is ready to return to work.

Dr. Berry asked Mr. Dayton if he has started his community service. Mr. Dayton replied yes. Mr. Dayton stated that he is volunteering at his church.

Mr. Wand asked Mr. Dayton if he entered the PAPA program as a confidential member and had a relapse. Mr. Dayton replied he entered the PAPA program as a confidential member and tested positive for alcohol. Mr. Dayton stated that he then signed a PAPA contract as a known participant.

Mr. Milovich asked Mr. Dayton how often he meets with Dr. Pickens. Mr. Dayton stated that he meets with Dr. Pickens weekly during his group counseling session.

Mr. Haiber asked Mr. Dayton if he has a job. Mr. Dayton stated that he would be returning to work for the employer that he worked for prior to his suspension.

Mr. Haiber asked Mr. Dayton if he was comfortable returning to a stressful work environment. Mr. Dayton stated that he does have the tools to deal with the stress. Mr. Dayton stated that he relapsed due to stress and sleep related issues. Mr. Dayton stated that he did not use the tools that he learned at Sierra Vista to deal with his problems.

Ms. Yates stated that the relapse occurred in a relatively short period and was an eye-opener for Mr. Dayton.

Mr. Van Hassel asked if the PAPA steering committee supports Mr. Dayton's request. Ms. Yates replied yes. Ms. Yates stated that after his relapse Mr. Dayton has been compliant.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to approve the request by Mr. Dayton to terminate the suspension of his pharmacist license and impose probation per Board Order 10-0047-PHR.

#4 Thomas Goebig

Thomas Goebig appeared on his own behalf to request that the suspension imposed on his pharmacist license per Board Order 10-0046-PHR be terminated and probation be imposed. Lisa Yates and Jim Corrington with the PAPA program were also present.

Vice President Berry opened the discussion by asking Mr. Goebig why he was appearing in front of the Board.

Mr. Goebig stated that he is requesting that his suspension be removed and probation be imposed on his pharmacist license.

Dr. Berry asked if PAPA supports his request. Ms. Yates replied yes.

Dr. Berry asked Mr. Goebig how long his license has been suspended. Mr. Goebig stated that his license has been suspended for seven months.

Mr. Van Hassel asked Mr. Corrington if he supports Mr. Goebig's request. Mr. Corrington stated that Mr. Goebig has followed his directions. Mr. Corrington stated that he recommended that Mr. Goebig attend PA meetings instead of AA meetings. Mr. Corrington stated that an addict must identify with the treatments and diagnosis of his addiction. Mr. Corrington stated that there are no guarantees and Mr. Goebig must accept his diagnosis.

Mr. Haiber asked Mr. Goebig if he was ready to return to work. Mr. Goebig replied yes. Mr. Goebig stated that he has set priorities with his family and work.

Mr. Haiber asked Mr. Goebig if he felt it was a hassle being monitored. Mr. Goebig stated at first he thought it was a hassle but he feels that the monitoring helps keep him clean and it is really pretty easy.

Dr. Berry asked Mr. Goebig if he has started his community service. Mr. Goebig stated that he is volunteering at ASU.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to approve the request by Mr. Goebig to terminate the suspension of his pharmacist license and impose probation per Board Order 10-0046-PHR.

#5 Kevin Denick

Kevin Denick appeared on his own behalf to request that the Board amend his consent agreement (Board Order 07-0030-PHR) to remove the condition that requires him to work with another pharmacist on site. Don Featherstone, his supervisor, was also present.

Vice President Berry opened the discussion by asking Mr. Denick why he was appearing in front of the Board.

Mr. Denick stated that he would like the Board to amend his consent agreement so that he does not have to work with another pharmacist.

Dr. Berry asked how long Mr. Denick has been required to work with another pharmacist. Mr. Denick replied that he has worked with another pharmacist for 2-1/2 years.

Dr. Berry asked why he is requesting the removal of this condition. Mr. Denick stated that it has been a tremendous hardship. Mr. Denick stated that he works at Food City in Douglas, Arizona. Mr. Denick stated that he has learned that it is a right to practice and not a privilege. Mr. Denick stated that his attitude has changed tremendously.

Mr. Milovich asked Mr. Denick if his family lives in Douglas. Mr. Denick stated that it has been very stressful because his family lives in Phoenix and he commutes to Douglas. Mr. Denick stated that he leaves on Monday and stays in Douglas until Friday when he returns home to Phoenix.

Mr. Milovich asked Mr. Denick if he is working in Douglas because of the restriction. Mr. Denick replied yes.

Dr. Berry asked Mr. Denick if he has completed his PAPA contract. Mr. Denick replied yes.

Mr. Milovich asked Mr. Featherstone if there have been any issues with Mr. Denick's performance. Mr. Featherstone stated that Mr. Denick is highly respected by the patients. Mr. Featherstone stated that there have been no complaints against Mr. Denick. Mr. Featherstone stated that he feels that Mr. Denick regrets the attitude that he has displayed

in the past. Mr. Featherstone stated that he believes that Mr. Denick does deserve to have the restriction removed.

Mr. Milovich asked Mr. Denick if he has been involved in any community activities in Douglas. Mr. Denick stated that the communication between the pharmacies and the doctors in Douglas was bad. Mr. Denick stated that he helped open up the lines of communication by taking doughnuts to the doctor's offices and speaking to the doctors and their staff. Mr. Denick stated that a face to face meeting often helps solve problems.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board agreed to approve the request by Mr. Denick to amend his Board order which requires him to work with another pharmacist. Mr. Denick will remain on probation for the remainder of his consent agreement. The Board authorized Mr. Wand to approve the signed amended consent agreement. A roll call vote was taken. (Ms. Galindo – aye, Ms. Locnikar – aye, Mr. McAllister – nay, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. Haiber – aye, Vice President Berry – aye).

#6 Venkateswara Malladi

Dr. Foy recused himself due to a conflict of interest.

Venkateswara Malladi appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 07F-0040-PHR be terminated.

Vice President Berry opened the discussion by asking Mr. Malladi why he was appearing in front of the Board.

Mr. Malladi stated that he is requesting that the Board terminate his probation.

Dr. Berry asked Mr. Malladi how long he has been on probation. Mr. Malladi stated that he has been on probation for 3 years.

Mr. Van Hassel stated that Mr. Malladi's disciplinary action was a result of a work-place incident and asked Mr. Malladi if he has learned how to handle his aggression.

Mr. Malladi stated that he had been working as a pharmacist for 15 years and it was very unfortunate that this incident occurred. Mr. Malladi stated that he has learned from the incident.

Mr. Haiber asked Mr. Malladi if he is working. Mr. Malladi stated that he is not currently working. Mr. Malladi stated that he is planning on returning to India for a visit and would seek work when he returns. Mr. Malladi stated that he last worked in January. Mr. Malladi stated that he worked at a pharmacy in Globe and worked at a pharmacy in Gila Bend for a short period of time.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the request by Mr. Malladi to terminate the probation of his pharmacist license imposed by Board Order 07F-0040-PHR.

AGENDA ITEM 7 – License Applications Requiring Board Review

#1 Eddie Khoriaty

Eddie Khoriaty appeared on his own behalf to request to proceed with reciprocity.

Vice President Berry opened the discussion by asking Mr. Khoriaty why he was appearing in front of the Board.

Mr. Khoriaty stated that he would like to reciprocate his license, but his license was disciplined in Florida in 2000.

Dr. Berry asked Mr. Khoriaty if his license in Florida was in good standing. Mr. Khoriaty replied yes.

Mr. Van Hassel asked Mr. Khoriaty why his license was disciplined. Mr. Khoriaty stated that he was prescribed pain medication in 1998. Mr. Khoriaty stated that he became addicted to the pain medication and diverted the medication. Mr. Khoriaty stated that he completed his consent agreement and has not used mood or mind-altering drugs since that time.

Mr. Haiber asked Mr. Khoriaty if this was the only time he diverted drugs. Mr. Khoriaty replied yes.

Mr. Haiber asked Mr. Khoriaty if he is licensed as a pharmacist in other states. Mr. Khoriaty stated that he is licensed in Oregon, Kentucky, Tennessee, and Nebraska.

Mr. Haiber asked Mr. Khoriaty if he seeking licensure due to his employment at a pet specialty pharmacy. Mr. Khoriaty stated that he would be the back up licensed pharmacist in Arizona for his pharmacy that is licensed as a non-resident pharmacy in Arizona.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously approved the request by Mr. Khoriaty to proceed with reciprocity.

#2 Virginia Agha

Virginia Agha appeared on her own behalf to request to proceed with reciprocity.

Vice President Berry opened the discussion by asking Ms. Agha why she was appearing in front of the Board.

Ms. Agha stated that she would like to reciprocate to Arizona but her license was disciplined in Nevada.

Dr. Berry asked Ms. Agha about her disciplinary action. Ms. Agha stated that she verified a prescription incorrectly. Ms. Agha stated that the prescription was written for Elavil 10mg and the technician entered the prescription as Elavil 100mg. Ms. Agha stated that she did not catch the error when she verified the prescription.

Mr. Milovich asked Ms. Agha what changes she has made in her practice to prevent errors from occurring. Ms. Agha stated that she does not verify a large number of prescriptions prior to sending them to the central fill facility. Ms. Agha stated that she takes time to verify both the scanned prescription and the data entry.

Mr. Haiber asked if the computer system prompts her to check the strength since this is a common error with this medication. Ms. Agha replied no.

Dr. Foy asked Ms. Agha if she has had any previous disciplinary actions against her license. Ms. Agha replied no.

Mr. Van Hassel asked Ms. Agha if she plans to move to Arizona. Ms. Agha replied that she has family in Arizona and is planning to transfer with Costco to Arizona.

On motion by Mr. Milovich and seconded by Mr. Haiber, the Board unanimously approved the request by Ms. Agha to proceed with reciprocity.

#3 David Abrams

David Abrams appeared on his own behalf to request to proceed with reciprocity.

Vice President Berry opened the discussion by asking Mr. Abrams why he was appearing in front of the Board.

Mr. Abrams stated that he was appearing in front of the Board to proceed with reciprocity. Mr. Abrams stated that he was disciplined by the Utah Board because he filled a prescription for his wife for a controlled substance without the hardcopy and then brought the prescription in the next day.

Mr. Van Hassel asked Mr. Abrams if he had any restrictions on his license. Mr. Abrams stated that he could not be a Pharmacist in Charge during his probation period.

Mr. Van Hassel asked Mr. Abrams if he would do the same thing again. Mr. Abrams replied that he would have the hardcopy prior to dispensing the prescription.

Dr. Berry asked Mr. Abrams if he planned to move to Arizona. Mr. Abrams replied no. Mr. Abrams stated that he works at a pharmacy in Utah that would like to mail prescriptions to patients that reside in Utah and spend the winter in Arizona.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously approved the request by Ms. Abrams to proceed with reciprocity.

#4 Bernadette Bergin

Bernadette Bergin appeared on her own behalf to request to proceed with reciprocity.

Vice President Berry opened the discussion by asking Ms. Berign why she was appearing in front of the Board.

Ms. Bergin stated that she applied for a pharmacy technician trainee license and was told that she would have to appear in front of the Board for the Board to approve her request.

Ms. Bergin stated that she was issued a consent agreement from the nursing board and she refused to sign the consent agreement because she disagreed with the facts in the consent.

Ms. Bergin stated that due to her strong medical background she decided to take a pharmacy technician course at Rio Salado College.

Ms. Bergin stated that since her application for a pharmacy technician was denied she has signed the consent agreement with the nursing board.

Ms. Bergin stated that she left her last job because she has MS. Ms. Bergin stated that she had issues with the nursing board and they had a hearing without her. Ms. Bergin stated that she did not get the documents about the hearing and she had issues with her MS at the time. Ms. Bergin stated that she did not agree with the allegations and failed to file an appeal.

Dr. Berry asked Ms. Bergin if she completed the two evaluations ordered by the Nursing Board. Ms. Bergin replied that she did complete the second evaluation and the doctor could find no neurological problems. Ms. Bergin stated that the doctor recommended counseling.

On motion by Mr. Haiber and seconded by Mr. Foy, the Board unanimously agreed to meet in executive session to obtain legal advice.

Vice President Berry called the meeting back into regular session.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to table the application until the Board receives copies of the signed Consent Agreement from the Nursing Board and copies of the completed evaluations. Ms. Bergin was told that she could submit any pertinent documents. The Board will review the application at the July Board meeting if all documents are received prior to the meeting.

#5 Russell Lubrani

Russell Lubrani appeared on his own behalf to request to proceed with reciprocity.

Vice President Berry opened the discussion by asking Mr. Lubrani why he was appearing in front of the Board.

Mr. Lubrani stated that he would like to proceed with reciprocity. Mr. Lubrani stated that he wants to reciprocate because his company is applying for licensure as a non-resident pharmacy.

Dr. Berry asked Mr. Lubrani if his license was disciplined in California. Mr. Lubrani stated that the Board had made formal accusations that were withdrawn and he received a citation for \$2,500.

Dr. Berry asked when Mr. Lubrani received the citation. Mr. Lubrani stated that the Board had investigated a pharmacy that he worked at in 2001 and the citation was issued in 2004. Mr. Lubrani stated that the Board had made accusations against two pharmacies

and the owners. Mr. Lubrani stated that he was the Pharmacist in Charge at the one pharmacy.

Dr. Berry asked Mr. Lubrani if his licenses are in good standing in Pennsylvania, Nevada, and California. Mr. Lubrani stated that all the licenses are in good standing.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously approved the request by Mr. Lubrani to proceed with reciprocity.

AGENDA ITEM 8- Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Compliance Officer Interviews for Tucson Area

Mr. Wand stated that he received authorization to hire a compliance officer for the Tucson area.

Mr. Wand stated that there are nine applicants for the position and the applicants are currently being interviewed by Board staff.

Mr. Wand stated that he hopes to have the position filled by the end of June.

Legislative Update

HB2499

Mr. Wand stated that HB2499 allows a patient to fax or e-mail a prescription to the pharmacy and must present the hardcopy to the pharmacist when picking up the prescription.

SB1285

Mr. Wand stated that SB1285 increases the scope of practice of an optometrist. The bill allows the optometrist to prescribe certain antivirals and macrolides.

SB1255

Mr. Wand stated that SB1255 states that an advertisement for health care services that includes a health professional's name shall identify the title and type of license the health professional holds and under which the health professional is practicing.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and Drug Inspector Activity Reports with the Board Members. Ms. Frush stated that there are three Compliance Officers and one Drug Inspector.

During the months of March and April, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 14
2. Controlled Substance Shortage –4
3. Failure to complete Controlled Substance Inventory upon change of Pharmacist in Charge – 2
4. Controlled Substance Invoices not separated or readily retrievable - 5

Documentation Violations

1. Failure to sign daily log - 2
2. Failure to document counseling –7
3. Failure to document mechanical counting devices maintenance - 5
4. Failure to document medical conditions – 2
5. Failure to have signed technician sheets – 2

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy –3

Pharmacy Violations

1. Allowing a technician to work with an expired license - 3
2. Failure to have current renewal at pharmacy site - 1

The following areas were noted on the inspection reports for improvement:

1. Controlled Substance documentation and invoices

Areas outside the inspection reports that may be of interest:

1. Technicians are not allowed to clarify prescription information.

PAPA Report

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of fifty-two (52) participants in the PAPA program. Since the last report on March 5, 2010, there have been three (3) new participants enter into the program.

Ms. Yates stated that PAPA will be sponsoring a CE program at the AzPA 6th Annual Meeting on July 16, 2010. The program “Drug Addiction and Recovery” will be presented by Ernest Dole.

Ms. Yates stated that PAPA will also be sponsoring a CE article that will be appearing in “Arizona Journal of Pharmacy” in the near future. The article will be presented by Kristin Polin and will be about street drugs.

Ms. Yates and the Board Members discussed concerns about several participants.

Agenda Item 9 – Conference

Complaint # 3719

The following individuals were present via telephone to answer questions from Board Members concerning a consumer complaint: Michael Richardson.

The complainants were also present. John Vandervoort, Legal Counsel for Express Scripts was present via telephone. Henna Griego, Pharmacist in Charge, at the Albuquerque, New Mexico Express Scripts site was present at the meeting.

Ms. Frush gave a brief overview of the complaint. Ms. Frush stated that the Board Office received a complaint from Mr. Richardson's employer stating that Mr. Richardson had transferred protected health information to his personal e-mail account.

Ms. Frush stated that the pharmacist had sent copies of the protected health information to his union representative. The complainant stated that Mr. Richardson refused to return the documents to the pharmacy and had the copies sent to the Arizona and New Mexico Boards of Pharmacy.

Vice President Berry asked Mr. Richardson to address the complaint. Mr. Richardson stated that he sent the information to the union. Mr. Richardson stated that the union acted as a shipper for the documents. Mr. Richardson stated that he needed to clear up that point. Mr. Richardson stated that no protected health information was sent to the union.

Mr. Vandervoort stated that when Express Scripts asked for the documents to be returned to them Mr. Richardson sent the requested documents to the union. Mr. Vandervoort stated that the documents were sent to Express Scripts by the union representative.

Mr. Richardson stated there was a brief period of negotiation before the records were returned to Express Scripts. Mr. Richardson stated that he is not sure what the union representative did with the records and if there was any protected health information sent to the union representative it was not done intentionally. Mr. Richardson stated that he sent copies of the documents that were returned to Express Scripts to the Arizona and New Mexico Board.

Mr. Vandervoort stated that Mr. Richardson had accumulated the data for about 2-1/2 years. Mr. Vandervoort stated that Mr. Richardson had diverted patient health information to his personal e-mails.

Mr. Richardson stated he saw improprieties and was gathering information for that reason.

Mr. Van Hassel stated that he feels that this appears to be an issue between the two parties. Mr. Van Hassel stated that there is no proof of what was done with the information. Mr. Van Hassel stated that he is not sure if there was a violation of the law.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to dismiss the case.

Complaint #3760 A

Conference postponed until the July meeting.

AGENDA ITEM 10 – Consideration of Complaints on Schedule “E” and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 15 complaints. Ms. Galindo, Mr. Haiber, and Mr. Milovich served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Berry was recused due to a conflict of interest.

- Complaint #3761 - Advisory Letter to the Pharmacist concerning verification of quantities
- Complaint #3762 - Advisory Letter to the Florida Permit Holder concerning the following of policies and procedures by employees
Refer the complaint to the Florida Board of Pharmacy
Advisory Letter to the Pharmacist in Charge in Tucson concerning counseling.
- Complaint #3764 - Advisory Letter to the Pharmacist for not wearing a name badge
- Complaint #3766 - Dismiss
- Complaint #3778 - Dismiss
- Complaint #3780 - Consent Agreement offered to the Pharmacist for a fine of \$1,000 and 6 hours of board approved CE on error prevention/Dur in addition to regular CE requirements.
Fine must be paid and CE completed in 90 days. If not signed, the case proceeds to hearing.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously accepted the recommendation of the Consumer Complaint Review Committee for the following complaints. Dr. Foy was recused due to a conflict of interest.

- Complaint #3790 - Dismiss

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

- Complaint #3765 - Consent Agreement offered to the Pharmacist for a fine of \$1,000 (\$500 fine for each violation) and 3 hours of board approved CE on compounding in addition to regular CE requirements. Fine must be paid and CE completed in 90 days. If not signed, the case proceeds to hearing.
- Complaint #3775 - Dismiss
- Complaint #3776 - Dismiss
- Complaint #3777 - Dismiss
- Complaint #3788 - Proceed to Hearing
- Complaint #3789 - Consent Agreement offered to the Pharmacy Technician for Voluntary Surrender and not reapply for 5 years. If not signed, the case proceeds to hearing.

The Complaint Committee did not have a quorum to review the following two complaints. The complaints were reviewed by the Full Board and the Board made the following recommendations. Mr. Haiber recused himself due to a conflict of interest.

- Complaint #3767 - Dismiss
- Complaint #3774 - Dismiss

AGENDA ITEM 11 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

Vice President Berry stated that Mr. Wand has reviewed the requests and has approved the individuals for one additional two year period.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

Pharmacy Technician Trainee Requests to reapply for licensure

Sheri Temen	Robert Sancedo	Felicia Soto
Gloria Bujanda	Debra Cvitanich	Casey Cazaux
Jessica Wade	Sylvia Guillen	Anais Barajas
Stefanie Ortega	Katie Chan	Cathy McClellan
Margaret Stone	Cheryl Campbell	Terry Wilson
Abril Lopex	Christina Schrant	Amanda Dixon
Crystal Lane	Abigail Qualo	Olivia Ream
Yulisa Zamora	Lilia Oceguera	Karen Glenn
Luis Badilla-Guevara	Marisa Hulsey	Janie Schoonover
Kristy Lomayma	Jocelyn Cruces	Mitchell Korenblitt
Michael McGirr	Dora Fuentes	Maurico Abao, Jr.

Sally Witmer	Kathryn Morrison Reddick	Gurman Singh
Karen McBeth	Dwight Stevers	Tyrell Gilder
Marcella Munoz	Sandra Hutchison	Tiffini Campbell
Shari McCann	Ndeye Dieng	Kruti Vyas
Cassandra Jo Beehler	Cecilia Leyba	Arlando Walker
Kailash Sojitra	Marisela Landin	M. Joann Steimer
Ricardo Gutierrez	Hima Bhavsar	Angelica Perez
Eli Middlebrooks	Jesse Core	Tammy Garland
Michale Strigler	Mark Mills	Angela Miller
Gloria Coffman	Sebastian Mak	Sandra Merrett
Maricela Barraza	Warren Abel	Stephanie Bohnsack
Joseph Reaves		

AGENDA ITEM 12 – Consent Agreements

Vice President Berry asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General’s Office and have been signed.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below.

Teri Acedo	-	10-0054-PHR
Jason Dykstra	-	10-0055-PHR
Maren Olsen	-	10-0056-PHR
Scott Roberts	-	10-0057-PHR
Jayaram Kilaru	-	10-0058-PHR
Greg Cluff	-	10-0063-PHR
Casey Allen	-	10-0064-PHR

A roll call vote was taken. (Ms. Galindo – aye, Ms. Locnikar – aye, Mr. McAllister – aye, Mr. Van Hassel – aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. Haiber – aye, Vice President Berry – aye).

AGENDA ITEM 13 – Samuel Takor – Case #10-0049-PHR

Dr. Foy recused himself due to a conflict of interest.

Samuel Takor appeared on his own behalf to request that the Board review the disciplinary action for Case #10-0049-PHR. Martin Clare, Legal Counsel, for Mr. Takor was also present.

Vice President Berry opened the discussion by stating that the Board had offered a consent agreement to Mr. Takor. Vice President Berry stated that Mr. Takor would like to discuss the disciplinary action with the Board.

Mr. Clare stated that Mr. Takor would like the Board to reconsider the proposed consent agreement.

Mr. Wand stated that there were two incidents the Board considered when offering the consent. Mr. Wand stated that the first incident involved the incorrect labeling of the Topamax prescription and the second incident involved the incorrect verification of a medication.

Mr. Clare stated that the first incident involved the labeling of the Topamax prescription. Mr. Clare stated that the patient received the medication as prescribed. Mr. Clare stated that initially the prescription was entered incorrectly and Mr. Takor corrected the prescription at a later date. Mr. Clare stated that the audit report indicates that the change was made. Mr. Clare stated that the patient claims that she was to split tablets and neither prescription, Topamax 100mg or Topamax 50mg, indicated that she was to split tablets.

Mr. Clare stated that the second incident involved the incorrect verification of a prescription. Mr. Clare stated that the prescription was written for Fioricet with Codeine and Fiorinal with Codeine was dispensed. Mr. Clare stated that Mr. Takor does not believe that he verified the prescription. Mr. Clare stated that Mr. Takor stated that technicians often entered pharmacist's initials into the computer. Mr. Clare stated that they have presented a report that shows Mr. Takor's initials were entered into the computer after he had terminated his employment with the company. Mr. Clare stated that Mr. Takor had raised the issue of the technicians using the wrong initials several times with his employer.

Mr. Milovich asked Mr. Takor if his initials on the report indicated that he filled the prescription. Mr. Takor replied yes.

Mr. Wand stated that the Compliance Officer was not able to visit the complainant, since she did not want to talk to anyone after she filed the complaint. Mr. Wand stated that it is not possible to know if the bottles were labeled correctly.

Dr. Berry asked if the labels were changed five days apart. Mr. Clare stated that they have provided copies of the labels that were done on the 13th and 18th. Mr. Clare stated that the label on the 13th shows that the medication was for 25 mg and then it was changed to the 50mg tablets on the 18th.

Mr. Wand stated that the label printed on the 18th should have been for the 25 mg tablets with directions to take 2 tablets at bedtime instead of 50 mg with directions to take 1 tablet at bedtime.

Mr. Clare stated that he is not aware of any prohibition against switching one 50 mg tablet for two 25 mg tablets.

Mr. Wand stated that in order to make that switch a call should have been made to the physician to approve the change.

Dr. Berry stated that Mr. Morris counsel for CVS was present and could address the issue of the incorrect use of initials.

Mr. Morris stated that he has received information that in 2009 anyone's initials could be typed in by anybody in the pharmacy. Mr. Morris stated that the initials were not

password protected. Mr. Morris stated that the company has installed a new computer system early this year and the initials are password protected.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to rescind the consent agreement and issue an advisory letter to Mr. Takor reminding him to validate the data entered into the computer.

AGENDA ITEM 17 – Termination Letter

Vice President Berry asked Mr. McAllister if he would like to address this agenda item.

Mr. McAllister stated that he saw this letter on another Board's website and thought it might be useful. Mr. McAllister stated at the last meeting it was mentioned that not all terminations are being reported to the Board.

Mr. Haiber suggested that a list of reportable offenses could be placed on the website.

Mr. Wand stated that he has placed the letter on the website and there already is a list of reportable offenses on the website.

Mr. Wand stated that the issue often is not the reporting of the termination but the fact that additional information is not supplied to the Board. Mr. Wand stated that in order to obtain the information a subpoena must be issued. Mr. Wand stated that a subpoena must be issued to an individual. Mr. Wand stated that the Board could look at changing the subpoena at a future meeting.

Dr. Berry suggested that an article could be placed in a future newsletter reminding individuals that terminations and acts of unprofessional conduct need to be reported to the Board.

AGENDA ITEM 18 – Rules Moratorium Update

Vice President Berry asked Mr. Wand to address this agenda item.

Mr. Wand stated that the rules moratorium is still in effect.

Mr. Wand stated that he must apply for an exemption if the Board wanted to review any rules.

Mr. Wand stated that in order for the rule to be considered for an exemption the law cannot be controversial and cannot have an economic impact.

Mr. Wand stated that the Board could not ask for an exemption for the Quality Assurance rules because it is controversial.

Mr. Wand stated that if the Board likes he could probably ask for an exemption to review the Long Term Care Rules and the technician rules to hold technicians more accountable for their actions.

Mr. Wand stated that if the Board Members would like to review any other rules to let him know and he would see if it would be possible to get an exemption approved.

AGENDA ITEM 19 – Nomination and Election of Officers

Vice President Berry opened the nominations for President.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board nominated Dr. Berry for the position of President.

There were no other nominations and Dr. Berry was elected as President.

Vice President Berry opened the nominations for Vice President.

On motion by Mr. Van Hassel and seconded by Dr. Foy, the Board nominated Mr. Haiber for the position of Vice President.

AGENDA ITEM 20 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Roger Morris came forth to address the issues of penalties in California. Mr. Morris stated that California issues civil penalties that are non-disciplinary. Mr. Morris stated that the Arizona Board may want to consider issuing fines and CE as non-disciplinary actions.

Mr. Morris stated that he is currently speaking with the healthcare associations concerning an appeal of the litigation concerning the sweep of Board funds. Mr. Morris stated that it was ruled that the State has the authority to sweep the funds since they created the Boards.

Kelly Ridgeway came forth to address the Board concerning the activities of the Arizona Pharmacy Alliance.

Ms. Ridgeway stated that the Alliance would be receiving an award for the number of immunizations given by pharmacists in Arizona.

Ms. Ridgeway stated that the Alliance is supporting Michael Blaire. Michael Blaire, a pharmacist, is running for the Arizona House of Representatives in District 8.

Ms. Ridgeway gave a review of the upcoming events for the various academies. Ms. Ridgeway stated that the Annual Meeting will be held in July.

President Berry recessed the meeting until tomorrow morning at 9:00 A.M.

AGENDA ITEM 1 – Call to Order – May 13, 2010

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: Vice President Zina Berry, Jim Foy, Joanne Galindo, Steve Haiber, Kyra Locnikar, Dennis McAllister, and Dan Milovich. The following board members were absent: Louanne Honeyestewa and Tom Van Hassel. The following staff members were present: Compliance Officers Rich Cieslinski, Ed Hunter, Sandra Sutcliffe, Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 6 – Special Requests

#7 Sri Saravani Elango

Sri Saravani Elango appeared on her own behalf to request that the Board allow her to take the NAPLEX exam for the fifth time. Jane Sites was present to speak on behalf of Ms. Elango.

President Berry asked Ms. Elango why she was appearing in front of the Board. Ms. Elango stated that she is asking permission to take the NAPLEX exam for the fifth time. Ms. Elango stated that her scores have improved each time she takes the exam.

Ms. Elango stated that she took the test last on May 3, 2010. She stated that she would like to be licensed as a pharmacist to help her financial situation at home.

Dr. Berry asked Ms. Elango if she has taken any review courses. Ms. Elango stated that she has completed several review courses and can repeat the Kaplan online course prior to taking the exam again.

Dr. Berry asked Ms. Elango if she is currently working. Ms. Elango stated that she is currently working 2 days a week at a long term care pharmacy in Sun City.

Mr. McAllister told Ms. Elango that Midwestern University will be offering a review course in June.

Dr. Foy told Ms. Elango that she may want to concentrate on Area 3 which is promoting health care information because her score has not improved in this area.

Mr. Haiber asked Ms. Elango if she has passed the MPJE exam. Ms. Elango replied yes.

Ms. Sites stated that she worked with Ms. Elango at both the long term care pharmacy and Walgreens. Ms. Sites stated that Ms. Elango did counsel patients at Walgreens. Ms. Sites stated that there is not a lot of patient contact at the long term care facility. Ms. Sites stated that a NAPLEX review course would probably be helpful.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board unanimously agreed to allow Ms. Elango to take the NAPLEX exam for the fifth time after showing proof that she has completed the Midwestern Review Course.

Mr. McAllister stated that the California Board has passed an algorithm for test questions and would like this item placed on a future agenda.

AGENDA ITEM 14 – Lorraine Granau – Case #10-0059-PHR

Lorraine Granau appeared on her own behalf to request that the Board review the disciplinary action for Case #10-0059-PHR. Christina Cassetta, Legal Counsel, for Ms. Granau was also present.

President Berry opened the discussion by stating that the Board had offered a consent agreement to Ms. Granau. President Berry stated that Ms. Granau would like to discuss the disciplinary action with the Board.

Ms. Cassetta stated that Ms. Granau would like the Board to reconsider the proposed consent agreement.

Ms. Cassetta stated that they are not aware of any regulation that was violated by Ms. Granau. Ms. Cassetta stated that the complaint against Ms. Granau was filed with a number of complaints against the vendor providing pharmacy services to the hospital. Ms. Cassetta stated that the hospital has ended the contract with the pharmacy provider, but has asked Ms. Granau to join the medical staff.

Ms. Granau addressed the Board. Ms. Granau explained her role with the Clozapine program. Ms. Granau explained about the missed labs and changes she made to ensure that all lab results would be reported to the registry.

Ms. Granau stated that she did not speak to the Board about the complaint and received a consent agreement in the mail.

Mr. McAllister asked about the procedure for investigating a complaint. Ms. Frush stated that Ms. Sutcliffe and Mr. Hunter interviewed Ms. Granau at the hospital during the complaint investigation.

Ms. Cassetta stated that Ms. Granau did speak with the Compliance Officers, but did not speak with anyone concerning the outcome of the complaint until she received the consent agreement.

Mr. Haiber stated that all complaint outcomes are posted in the minutes on the Board's website shortly after the meeting is held.

Mr. McAllister stated that he believes that issues that could have caused patient risk have been corrected.

On motion by Dr. Foy and seconded by Mr. McAllister, the Board unanimously agreed to dismiss the complaint against Ms. Granau.

AGENDA ITEM 15 – Pamela Ahlmer – Case #10-0030-PHR

Steve Haiber recused himself due to a conflict of interest

Pamela Ahlmer appeared on her own behalf to request that the Board amend her consent agreement. Tim Ahlmer, Ms. Ahlmer's husband, was also present.

President Berry opened the discussion by asking Ms. Ahlmer why she was appearing in front of the Board.

Ms. Ahlmer stated that she would like the Board to remove the probation from her license, so that she is able to find a job. Ms. Ahlmer stated that she is unable to find a job because she is on probation. Ms. Ahlmer stated that she would like the Board to make a policy change. Ms. Ahlmer stated that disciplinary actions are listed on the website and when someone verifies her license it shows that she had disciplinary action. Ms. Ahlmer stated that she would like the website to read that the prior discipline has been satisfied. Ms. Ahlmer stated that once one has paid their debts they should not be punished further.

Ms. Ahlmer stated that she misused Safeway coupons to pay for her copays. Ms. Ahlmer stated that she was terminated by Safeway. Ms. Ahlmer stated that she paid restitution to Safeway. Ms. Ahlmer stated that she thought her termination was an in house situation, but her termination was reported to the Board.

Ms. Ahlmer stated that in October she was employed by Express Scripts. Ms. Ahlmer stated that her employment with Express Scripts was terminated after the consent was approved by the Board.

Ms. Ahlmer stated that she has sent her resume to numerous companies and has been told because she is on probation that she is a liability. Ms. Ahlmer stated that many companies have told her that it is against their company policy to hire someone that does not have a license in good standing.

Ms. Ahlmer told the Board that her inability to find a job has impacted her family financially.

Mr. Milovich asked Ms. Ahlmer if it is possible that she is not being hired because of her actions instead of her probation. Ms. Ahlmer replied yes.

Mr. Ahlmer stated that his wife is a good pharmacist and she made a mistake. Mr. Ahlmer stated that there were several companies that would have hired her but they would not do so because she is on probation.

Mr. Milovich asked Dr. Foy if his company would hire someone on probation. Dr. Foy replied that hiring would depend on job performance and many other factors. Dr. Foy stated that probation would not be a hard stop.

Mr. Ahlmer stated that many of the coupons that she used were valid. Mr. Ahlmer stated that she paid back all the money that she thought that she owed Safeway including the amount for the valid coupons.

Ms. Galindo asked Ms. Ahlmer if she looked for work outside the pharmacy area. Ms. Ahlmer replied no. Mr. Ahlmer stated that it would be hard for her to look for a job outside the pharmacy area because she would not be able to support the family because he is disabled and unable to work.

Ms. Galindo stated that Ms. Ahlmer talked about paying her debt to society. Ms. Galindo stated that Ms. Ahlmer has not paid her debt to society because she has not completed her probation period.

Dr. Foy asked Ms. Ahlmer if her license was in good standing in Utah. Ms. Ahlmer replied yes.

Dr. Foy asked Ms. Ahlmer if she has pursued a job in Utah. Ms. Ahlmer replied yes. Ms. Ahlmer stated that when they learn of her disciplinary action in Arizona she is not hired.

Dr. Berry asked Ms. Ahlmer if she has a job lined up. Ms. Ahlmer stated that there is a company that has agreed to interview her again if the probation is removed.

On motion by Mr. Milovich and seconded by Ms. Galindo, the Board denied Ms. Ahlmer's request to amend her consent agreement.

A roll call vote was taken. (Ms. Galindo – aye, Ms. Locnikar – nay, Mr. McAllister –aye, Mr. Milovich – aye, Dr. Foy – aye, and President Berry – nay) The motion carries.

AGENDA ITEM 16 – Five -Year Rule Review of Arizona Board of Pharmacy Rules – Articles 7, 9, and 10

President Berry asked Mr. Wright to address this agenda item.

Mr. Wright stated that he has prepared the Five-Year Rule Review report for Board approval.

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously approved the five-year rule review report prepared by Mr. Wright.

AGENDA ITEM 20 – Hearings/Motions to Deem

1 Patrick Lucas

President Berry opened the discussion by stating that this is the time and place for Consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted in the Case of Patrick Lucas, License #S015020, Case 10-0043-PHR.

President Berry asked if Mr. Lucas was present. Mr. Lucas was not present.

President Berry asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to grant the State's motion to Deem Allegations admitted.

President Berry asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that in view of the allegations admitted the Board can impose any discipline that they feel appropriate.

President Berry stated that the Board would now deliberate on the appropriate discipline to be imposed.

On motion by Dr. Foy and seconded by Mr. Haiber, the Board unanimously agreed to revoke Pharmacist License S015020 issued to Patrick Lucas. A roll call vote was taken. (Ms. Galindo – aye, Ms. Locnikar – aye, Mr. McAllister –aye, Mr. Milovich – aye, Dr. Foy – aye, Mr. Haiber – aye, and President Berry – aye)

AGENDA ITEM 21 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Tina Bean, a pharmacy technician trainee, came forth requesting that the Board extend her technician license. Ms. Bean explained that she had taken the PTCB test three times. Ms. Bean stated that she has had her pharmacy technician trainee license for four years and is requesting that the Board extend her license for one year so that she could complete her schooling and take the PTCB exam.

President Berry told Ms. Bean that the Board could not respond to her request at the call to the public because her request was not posted on the meeting agenda.

AGENDA ITEM 22 – Future Agenda Items

Mr. McAllister requested that the California algorithm for the exam questions be placed on a future agenda.

AGENDA ITEM 23 – Adjournment

There being no further business to come before the Board, **on motion by Mr. Haiber and seconded by Dr. Foy**, the Board unanimously agreed to adjourn the meeting at 10:30 A.M.